



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY

NEW YORK, NY 10007-1866

MAY 17 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 3010 0000 7504 0214

Eric Jackson, Mayor
City of Trenton
319 East State Street
Trenton, NJ 08608

RE: In the Matter of: Trenton Water Works
PWS ID: NJ1111001, Docket No. SDWA-02-2016-8017

Honorable Mayor Jackson:

Enclosed you will find an Administrative Order ("AO" or "ORDER"). Among other things, the AO finds that Trenton Water Works is a public water supplier as defined by the Safe Drinking Water Act ("SDWA") and 40 C.F.R. §141.2, and is, therefore, subject to its requirements. The Environmental Protection Agency ("EPA") also finds that Trenton Water Works failed to comply with the SDWA and the New Jersey Department of Environmental Protection ("NJDEP") regulation N.J.A.C. 7:10.

On July 17, 2013, EPA issued an AO to Trenton Water Works (Docket No. SDWA-02-2013-8013), for violations of the SDWA and NJDEP applicable regulations. On February 12, 2014, EPA issued AO Docket No. SDWA-02-2014-8009 ("2014 AO"), which superseded the previous AO, incorporated the action plan submitted by Trenton Water Works on November 26, 2013, and required compliance with the SDWA and NJDEP applicable regulations.

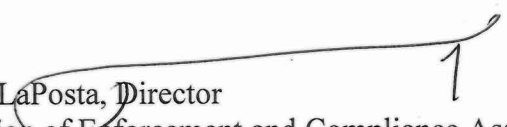
In September 2014 and October 2015, EPA and NJDEP conducted follow up inspections, which resulted in the identification of additional significant deficiencies and violations. The enclosed AO supersedes the 2014 AO, consolidates all violations identified from 2013-2015 and updates long term compliance schedules.

EPA Region 2 encourages you to consider using various "green" practices during the implementation of the work required by this AO. The overall goals of these practices are to minimize environmental and public health impacts and preserve natural resources and energy during construction and remediation projects. In many instances, these practices will also reduce the costs of such projects. Examples include energy conservation and efficiency approaches, use of renewable energy, use of cleaner fuels and clean diesel technologies, industrial materials reuse or recycling, water conservation techniques, and environmentally preferable purchasing. A more comprehensive list of these practices is enclosed within.

I urge your cooperation in assuring that the requirements of the enclosed AO are met. The violation of an AO may subject the violator to an administratively assessed civil penalty not to exceed \$37,500 per day of violation.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
JUN 17 2016
If you have any questions regarding this matter, please contact Nicole Foley Kraft, Chief, Groundwater Compliance Section at (212) 637-3093 or kraft.nicole@epa.gov.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Marcedius Jameson, NJDEP
Rai Belonzi, NJDEP
Karen Fell, NJDEP

“Clean and Green” Practices to Consider Incorporating into Construction Activities

Strategy	Summary of Benefits	Additional Information
100% use of renewable energy, and energy conservation and efficiency approaches, including ENERGY STAR equipment	<ul style="list-style-type: none"> • Conserve natural resources and energy • Reduce emissions of greenhouse gases and other air pollutants, thereby reducing impact on human health and the environment • Energy conservation and efficiency saves money, and in some instances the use of renewable energy does as well 	<ul style="list-style-type: none"> • Green Remediation Best Management Practices: Integrating Renewable Energy into Site Cleanup: http://www.clu-in.org/greenremediation/docs/Integrating_RE_into_site_cleanup_factsheet.pdf • Buying Green Power: http://apps3.eere.energy.gov/greenpower/buying/buying_power.shtml and http://www.epa.gov/greenpower/ • EPA and DOE's ENERGY STAR Program: http://www.energystar.gov/
Cleaner fuels and clean diesel and other emission technologies and strategies	<ul style="list-style-type: none"> • Conserve natural resources and energy • Reduce emissions of greenhouse gases and other air pollutants • Can reduce fuel and operation and maintenance costs 	<ul style="list-style-type: none"> • Best Management Practices regarding Clean Fuel & Emission Technologies: http://www.epa.gov/tio/download/remed/clean-fuel-emis-gr-fact-sheet.pdf • Clean diesel technologies and approaches: http://www.epa.gov/otaq/diesel/index.htm
Water conservation and efficiency approaches, including WaterSense products	<ul style="list-style-type: none"> • Minimize impacts to water quality and water resources • Save energy and money 	<ul style="list-style-type: none"> • EPA's Water Sense Program: http://www.epa.gov/WaterSense/ • Best management practices: http://www.clu-in.org/greenremediation/subtab_b1_water.cfm
Sustainable site design, including stormwater management strategies	<ul style="list-style-type: none"> • Support human and ecological use and reuse of remediated land • Minimize impacts to water quality and water resources • Conserve natural resources and energy • Reduce emissions of greenhouse gases and other air pollutants • Save money, maintain or increase property 	<ul style="list-style-type: none"> • Green Infrastructure: http://cfpub.epa.gov/npdes/home.cfm?program_id=298 • Low-Impact Development: http://www.epa.gov/owow/NPS/lid/costs07/

	values	
Industrial materials reuse or recycling within regulatory requirements, and recycling applications for materials generated at or removed from the site	<ul style="list-style-type: none"> • Minimize material use and waste production • Conserve natural resources and energy • Reduce greenhouse gas emissions • Save money 	<ul style="list-style-type: none"> • Industrial materials recycling: http://www.epa.gov/epawaste/conserve/rrr/mr/index.htm • Industrial Resources Council's webpage on promoting sustainable use of industrial materials: http://www.industrialresourcescouncil.org/
Environmentally Preferable Purchasing	<ul style="list-style-type: none"> • Minimize material use and waste production • Conserve natural resources and energy • Reduce impact on the environment 	<ul style="list-style-type: none"> • Environmentally preferable purchasing web site: http://www.epa.gov/epp/
Greenhouse gas emission reduction technologies	<ul style="list-style-type: none"> • Support climate change mitigation • (See the benefits associated with the other strategies above, all or most of which also reduce GHG emissions) 	<ul style="list-style-type: none"> • See all of the other bullets above in this column • Basic information on reducing GHGs: http://www.epa.gov/greeningepa/ghg/index.htm and http://www.epa.gov/climatechange/policy/neartermghgreduction.html

General web sites about green remediation:

<http://www.epa.gov/oswer/greencleanups/index.html>

<http://www.clu-in.org/greenremediation/>

http://www.clu-in.org/greenremediation/docs/GR_Quick_Ref_FS_Intro.pdf

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NY 10007-1866**

IN THE MATTER OF:

Trenton Water Works
Route 29
Trenton, NJ 08604

PWS ID: NJ1111001

Respondent

ADMINISTRATIVE ORDER

**Docket No.
SDWA-02-2016-8017**

I. STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("SDWA" or "the Act"), 42 U.S.C. Section 300g-3(g), and duly delegated to the Director of the Division of Enforcement and Compliance Assistance of Region 2.

II. FINDINGS

1. The City of Trenton (hereinafter "Respondent") owns and/or operates the Trenton Water Works "public water system", within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, located in Trenton, NJ.
2. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. §300f(5), and 40 C.F.R. §141.2.
3. Respondent is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and is subject to an Administrative Order ("AO" or "ORDER") issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300(g)-3(1).
4. Respondent's public water system ("PWS") provides water for human consumption. Respondent's PWS regularly serves at least 15 service connections used by year-round residents and/or serves a population of at least 25 individuals, and is therefore a "community water system" ("CWS"), as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15). Respondent is therefore, subject to the requirements of Part B of the SDWA, 42 U.S.C. §300g *et seq.*, and its implementing regulations found at 40 C.F.R. Part 141.
5. The New Jersey Department of Environmental Protection ("NJDEP" or "State") administers the Public Water Supply Supervision Program in New Jersey pursuant to Section 1413 of the SDWA. The approval of primary enforcement responsibility from EPA to NJDEP was effective as of July 13, 1979. NJDEP is the primacy agency, as that term is defined in 40 C.F.R. §142.2.

However, NJDEP referred the Trenton Water Works PWS to EPA for further investigation and appropriate action as part of the Fiscal Year (FY) 2013 EPA-NJDEP Inspection Workplan.

6. Pursuant to Section 1414(i)(4) of the SDWA, 42 U.S.C. §300g-3(i)(4), the implementing regulations for New Jersey's Safe Drinking Water Program (N.J.A.C. 7:10) are applicable requirements of the SDWA.
7. Pursuant to 40 C.F.R. §141.723(b), a significant deficiency includes a defect in design, operation, or maintenance, or a failure of malfunction of the sources, treatment, storage, or distribution system that EPA determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.
8. Pursuant to 40 C.F.R. §141.723(c-d), for sanitary surveys performed by EPA, systems must respond no later than 45 days after receipt of the report, indicating how and on what schedule the system will address identified significant deficiencies. Systems must correct significant deficiencies according to the schedule approved by EPA. Failure to comply with this requirement is a treatment technique violation.
9. Pursuant to 40 C.F.R. §141.201(a) and (b), each operator or owner of a PWS must give notice for all violations of national primary drinking water regulations, including maximum contaminant level ("MCL"), monitoring, testing procedure, and treatment technique ("TT") violations. Public notice requirements are divided into three tiers, which consider the seriousness of the violation or situation and any potential adverse health effect that may be involved.
10. Pursuant to N.J.A.C. 7:10-11:12(a)(4), chemical feeders in the drinking water treatment process shall be equipped with a device that accurately measures the amount of chemical feed.
11. On May 3-13, 2013, EPA and NJDEP conducted a sanitary survey at Respondent's PWS. Pursuant to 40 C.F.R. §141.723(a), a sanitary survey is an onsite review of the water source, facilities, equipment, operation, maintenance, and monitoring compliance of a PWS to evaluate the adequacy of the PWS, its sources and operation, and the distribution of safe drinking water. By letter dated July 12, 2013, EPA notified Respondent of the violations, significant deficiencies and findings identified during the May 2013 sanitary survey.
12. On July 17, 2013, EPA issued AO Docket Number SDWA-02-2013-8013, to Respondent, to address violations of the SDWA and NJDEP applicable regulations.
13. On February 12, 2014, EPA issued AO Docket No. SDWA-02-2014-8009 ("2014 AO"), which superseded the July 2013 AO, incorporated action plans submitted by Trenton Water Works on November 26, 2013, and required compliance with the SDWA and NJDEP applicable regulations. Among the violations identified in the July 2013 AO, for which Respondent submitted an action plan, were the failure to equip the ferric chloride and fluoride chemical feeders with devices that accurately measure the amount of chemical feed and failure to comply with recordkeeping requirements due to problems with the Supervisory Control and Data Acquisition ("SCADA") system.

14. On September 8-12, 2014 and October 19-22, 2015, EPA and NJDEP conducted follow up inspections at Trenton Water Works PWS, to evaluate Respondent's compliance with the requirements of the AO, the SDWA and NJDEP applicable regulations. Additional violations and significant deficiencies were identified.
15. Based on information available to EPA, Respondent failed to submit an action plan within 45 days of receipt of the inspection report and/or failed to correct the following significant deficiencies within the timeframe approved by EPA, in violation of 40 C.F.R. §141.723:
 - a. Lack of circulation at the Whitehorse Storage Tank.
 - b. Evaluation and/or correction of significant deficiencies at the Ewing and Hopewell Storage Tanks.
16. In letter dated January 22, 2016, Respondent submitted action plans for the correction of the following significant deficiencies:
 - a. Insufficient secondary containment for the sodium hypochlorite at the Reservoir gatehouse.
 - b. In-line flash mixers are non-operational
17. EPA is issuing this Administrative Order to consolidate all violations identified during the 2013-2015 inspections and to establish an enforceable schedule to ensure Respondent's compliance with the requirements of the SDWA and NJDEP applicable regulations.

III. ORDER

Based on the foregoing FINDINGS, and pursuant to the authority of Section 1414(g) of the SDWA, EPA hereby ORDERS:

A. Improvements to the Ferric Chloride and Fluoride feed systems (Flow Meters)

18. By July 1, 2016, Respondent must award the construction contract for the improvements to the ferric chloride and fluoride feed systems.
19. By April 3, 2017, Respondent must complete the improvements to the ferric chloride and fluoride feed systems and start their operation.
20. By May 15, 2017, Respondent must certify that improvements to the ferric chloride and fluoride feed systems are completed and operational, that flow meters are electronically connected to the SCADA system and that the chemical feed systems meet the requirements of N.J.A.C. 7:10-11.12.

B. Improvements to the SCADA System

21. By June 1, 2016, Respondent must provide certification to EPA and NJDEP that the design of the SCADA system has been completed.
22. By July 1, 2016, Respondent must award the SCADA System Improvements Construction Contract.
23. By April 3, 2017, Respondent must complete all work necessary to ensure a functional SCADA system and start its operation.

C. Improvements to the Whitehorse Storage Tank

24. By July 1, 2016, Respondent must complete all work necessary to ensure optimum circulation at the Whitehorse Storage Tank and must be fully operational.

D. Improvements to the Ewing and Hopewell Storage Tanks

25. By June 1, 2016, Respondent must certify that temporary repairs at the Ewing tank, including the repair of the storage tank leak, has been completed.
26. On letter dated January 22, 2016, Respondent informed EPA of legal issues that are delaying the improvements to the Ewing and the Hopewell Storage Tanks.
27. Within 15 days of the resolution of the legal issues, Respondent must notify EPA and NJDEP.
28. Within 60 days of the resolution of the legal issues, Respondent must submit an action plan for the improvements at the Ewing and Whitehorse Storage Tanks.

E. Public Notice

29. Respondent must notify its customers of the violations identified in paragraph 15 via the 2016 Consumer Confidence Report ("CCR"), due to customers by July 1, 2016. A copy of the CCR and certification of delivery must be submitted by October 1, 2016.

F. Progress Reports

30. Respondent must provide quarterly progress reports to the EPA and NJDEP describing, at a minimum, all design and construction activities that have taken place during the previous quarter and activities anticipated to occur during the upcoming quarter. All construction activities shall conform to the plans and specifications approved by NJDEP. The reports must include a section on the status of completion (e.g. percent complete) for the various phases of the project (i.e. design, construction, hiring, testing, etc.). Upon the effective date of this ORDER, reports shall be submitted quarterly by April 15th, July 15th, October 15th, and January 15th until full compliance with this Order is achieved. The Report must also indicate whether the Respondent has fully complied with the milestones and, if not, describe the work remaining to be done to achieve full compliance including a schedule for completion of such work; describe any noncompliance, or known or anticipated delay which may affect compliance with any future milestones, including the duration of any expected delay and a statement of any corrective action taken or to be taken to address such noncompliance and/or to minimize delay.
31. All notices, reports, or other submissions by Respondent shall contain the following certification:
- "I certify, under penalty of law, that the information contained in or accompanying this submission is true, accurate and complete based upon representations as to accuracy and completeness made to me either orally or through submission of documentation by appropriate personnel with responsibility for the matters contained herein".

32. All information required to be submitted by this Order to EPA and NJDEP shall be mailed, in hardcopy or electronic format, to:

Nicole Foley Kraft, Chief
Groundwater Compliance Section
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866
(212) 637-3093
Kraft.Nicole@epa.gov

and

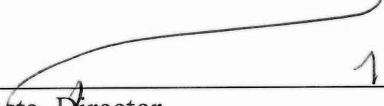
Rai Belonzi, Chief
Bureau of Water Compliance and Enforcement-Central
New Jersey Department of Environmental Protection
Mail Code 44-03
P.O. Box 420
Trenton, NJ 08625
Rai.Belonzi@dep.nj.gov

IV. GENERAL PROVISIONS

1. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with all of the requirements of the Act and Part 141 may subject Respondent to additional enforcement action, including but not limited to judicial, administrative and equitable actions.
2. This Administrative Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. Nothing in this Order shall constitute a waiver, suspension or modification of the requirements of the Act, or the rules and regulations promulgated thereunder which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Law.
3. The Respondent may be subject to an administrative civil penalty of up to \$32,500 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$32,500 pursuant to Section 1414(g)(3)(C) of the Act, 42 U.S.C. §300g-3(g)(3)(C). A violation of any term of this Order may also subject the Respondent to a judicial civil penalty of up to \$37,500 per day per violation pursuant to Section 1414(b) of the Act, 42 U.S.C. §300g-3(b).
4. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
5. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State or local law.

6. This Administrative Order shall take effect upon the signature of the Director, Division of Enforcement and Compliance Assistance.

ORDERED, this 17th day of MAY, 2016.



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance